

TOWN OF SEARSPORT LAND USE ORDINANCE

SECTION I:

A. TITLE

This Ordinance shall be known as and may be cited as the "Land Use Ordinance of the Town of Searsport, Maine", and will be referred to herein as the "Ordinance".

B. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII of the Maine Constitution and Title 30-A, Section 4352 and Section 3001 of the Maine Revised Statutes Annotated.

C. PURPOSES

The purposes of the Ordinance are as follows:

1. **COMPREHENSIVE PLAN IMPLEMENTATION:** To implement the policies and recommendations of the Searsport Comprehensive Plan;
2. **PROTECTION OF THE GENERAL WELFARE:** To assure the comfort, convenience, safety, health and welfare of the present and future inhabitants of the Town of Searsport;
3. **PRESERVATION OF THE TOWN CHARACTER:** To preserve and protect the character of Searsport by dividing the Town into districts according to the use of land and buildings and the intensity of such uses;
4. **PROTECTION OF THE ENVIRONMENT:** To protect and enhance the natural, cultural, and historic resources of the Town from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment;
5. **PROMOTION OF COMMUNITY DEVELOPMENT:** To promote the development of an economically sound and stable community;
6. **REDUCTION OF TRAFFIC CONGESTION:** To lessen the danger and congestion of traffic on roads and highways, limit excessive numbers of intersections, driveways, and other friction points, minimize hazards, and ensure the continued usefulness of all elements of the existing transportation systems for their planned function;
7. **BALANCING OF PROPERTY RIGHTS:** To protect property rights and values by balancing the rights of landowners to use their land with the corresponding rights of abutting and neighboring landowners to enjoy their property without undue disturbance from abutting or neighboring uses;
8. **REDUCTION OF FISCAL IMPACT:** To provide a means of evaluating development proposals to determine their fiscal impacts on the municipality's ability to provide and improve necessary public facilities and services; and
9. **ESTABLISHMENT OF PROCEDURES/STANDARDS:** To establish procedures whereby the Town Officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; to provide a public hearing process through

which interested persons may raise questions and receive answers regarding how such developments may affect them; and to provide procedures whereby aggrieved parties may appeal decisions made under this Ordinance.

D. APPLICABILITY

This Ordinance shall apply to all land areas within the Town of Searsport except for those areas to which the Searsport Shoreland Zoning Ordinance applies. All buildings or structures hereinafter constructed, reconstructed, altered, enlarged, or moved, and the uses of buildings and land, including the division of land, shall be in conformity with the provisions of this Ordinance. Existing or future buildings, structures, or land areas can be used for any purpose or in any manner as provided for in this Ordinance. A non-conforming use, lot of record or structure as of the effective date of this Ordinance may continue.

E. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, or ordinance, the provision that imposes the most restrictive or higher standards shall govern.

F. SEVERABILITY

In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

G. AMENDMENTS

1. INITIATION

An amendment to this Ordinance may be initiated by one of the following:

- a. The Planning Board, provided a majority of the board has so voted.
- b. Request of Board of Selectpersons to the Planning Board.
- c. Written petition of 10% of the number of registered voters who voted in the most recent gubernatorial election, in accordance with 30-A M.R.S.A. § 2522 or 2528.
- d. An individual may initiate an amendment through any of the above methods.

2. HEARINGS

All proposed amendments shall be referred to the Planning Board for their recommendation. The Planning Board shall hold a public hearing at least 30 days before the town meeting vote on any proposed amendment, and shall make a written recommendation to the Board of Selectmen within 30 days from the public hearing.

3. MAJORITY VOTE

After receiving the recommendation of the Planning Board, the amendment may be adopted or rejected by majority vote of the voters at an Annual Town Meeting.

H. EFFECTIVE DATE

This Ordinance, when adopted, and any amendments thereto, shall be effective immediately following its/their adoption or approval at an Annual Town Meeting. A copy of this Ordinance, certified by the Town Clerk shall be filed with the Town Clerk and the Waldo County Registry of Deeds.

I. EFFECT OF THIS ORDINANCE

This Ordinance is a substantial revision of the Land Use Ordinance dated March 10, 2012. It is the intention and direction of this Section that if any revision set forth in this Ordinance is held to be invalid or void in its entirety, then the previously enacted provision shall be automatically revived.

SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS

The intent of this Ordinance is to allow continued use of property and not to cause harm or undue hardship to property owners.

A. BURDEN OF PROOF

When an owner of any non-conforming structure, use or lot seeks to establish that such structure, use or lot is a lawfully existing non-conforming structure, use or lot as defined in this Ordinance, the burden of proof shall be upon said owner.

B. CONTINUANCE

Any building, structure, or parcel of land, which is made non-conforming by reason of the enactment of this Ordinance, or which shall be made non-conforming by reason of a subsequent amendment, may be continued, subject to the following provisions:

1. EXISTING NON-CONFORMING STRUCTURES

Continuance of non-conforming structures shall be subject to the following provisions:

- a. No non-conforming structure shall be enlarged or altered in any way that increases its non-conformity except as noted in Paragraph 2 below;
- b. Should any non-conforming structure be destroyed or damaged by any means, exclusive of an intentional demolition, said structure may be rebuilt on the existing footprint to the dimensions of the structure which was destroyed provided rebuilding is begun within eighteen months; and
- c. A non-conforming structure may be moved within a lot in a manner that would decrease its non-conformity in terms of setback requirements, provided that the Planning Board finds that the change in location is appropriate in regards to:
 - i. Location and character;
 - ii. Fencing and screening;

- iii. Landscaping, topography, and natural features;
- iv. Traffic and access;
- v. Signs and lighting; and
- vi. Potential nuisance.

2. EXISTING NON-CONFORMING USE OF STRUCTURES AND/OR LAND

Continuance of non-conforming use of structures and/or land shall be subject to the following provisions:

- a. No structure devoted to a non-conforming use shall be enlarged or extended by more than a total of 50% of the existing square footage as of March 10, 2007 or the date the structure was built, if after March 10, 2007.
- b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of the adoption or amendment of this Ordinance, but no such uses shall be extended to occupy any land outside such building other than in conformance with (a) above.
- c. Any non-conforming use of a structure or premises may be changed to another nonconforming use provided that the Planning Board shall find that the proposed use is at least as consistent with the District's purpose as the existing non-conforming use. At no time shall a use be permitted which is less conforming than the previous non- conforming use;
- d. If a non-conforming use of a structure or premises is superseded by a permitted use, the non-conforming use shall not thereafter be resumed;
- e. If any non-conforming use of a structure or land ceases for any reason for a period of more than twenty-four (24) consecutive months, any subsequent use of such structure or land shall comply with standards specified by this Ordinance for the district in which the use is located; an extension can be granted by the Code Enforcement Officer in cases of hardship or situations beyond the owner's control;
- f. A non-conforming use of land or a structure housing an existing non-conforming use may be moved to a different location within the same lot, provided that the Planning Board finds that the change in location is appropriate in regards to:
 - i. Location and character;
 - ii. Fencing and screening;
 - iii. Landscaping, topography, and natural features;
 - iv. Traffic and access;
 - v. Signs and lighting; and
 - vi. Potential nuisances.

3. CONSTRUCTION BEGUN PRIOR TO ORDINANCE

This Ordinance shall not require any change in the plans, construction, size, or designated use for any building, structure, or part thereof for which a completed application for a local permit has been made, provided application has been subject to substantive review, or a permit has been issued and upon which construction has been lawfully commenced prior to the adoption or

amendment of the Ordinance. In such instances construction must start within one year after the issuance of the permit.

C. NON-CONFORMING LOTS OF RECORD

A single parcel of land, the legal description of which or the dimensions of which are recorded on a document or map recorded in the Registry of Deeds, which at the effective date of adoption or subsequent amendment of this Ordinance does not meet the lot area or width requirements or both, of the district in which it is located, may be built upon as an existing non-conforming lot of record provided that all other provisions of this Ordinance are met.

D. TRANSFER OF OWNERSHIP

Ownership of lots, uses and structures that remain lawful but become non-conforming by the adoption or amendment of the Ordinance may be transferred and the new owner may continue to occupy or use the same subject to the provisions of this Ordinance.

SECTION III: ESTABLISHMENT OF DISTRICTS

A. DISTRICTS ESTABLISHED

For the purposes of this Ordinance, the Town of Searsport is hereby divided into the following districts:

- Commercial District (C)
- Commercial 2 District (C2)
- Commercial 3 District (C3)
- Conservation District (CD)
- Halfmoon Pond Watershed District (HPD)
- Historic Overlay District
- Industrial District (I)
- Marine District (M)
- Mixed Residential District (MR)
- Residential District (R)
- Residential 2 District (R2)
- Residential 3 District (R3)
- Rural Agricultural Residential District (RAR)

B. DISTRICTS SUBJECT TO THIS ORDINANCE

Details of the following Districts are contained in Section IV

- Commercial District
- Commercial 2 District
- Commercial 3 District
- Industrial District
- Marine District
- Mixed Residential District
- Residential District Residential 2
- District Residential 3 District
- Rural Agricultural District

C. DISTRICTS NOT DESCRIBED IN SECTION IV

1. CONSERVATION DISTRICT (CD)

a. PURPOSE

The purpose of the Conservation District is to encompass areas of the community that are currently owned by the State of Maine and are designated as a state park. The Conservation District is not subject to regulation by the Town.

b. AREAS INCLUDED

The location of the Conservation District is illustrated on the Official District Boundary Map of the Town of Searsport.

2. HALFMOON POND WATERSHED DISTRICT (HPD)

a. PURPOSE

The purpose of the Halfmoon Pond Watershed District is to protect the Town's water supply and to prevent further deterioration of the pond's water quality. Uses in the Halfmoon Pond Watershed District are governed by the existing Halfmoon Pond Watershed Protection Ordinance.

b. AREAS INCLUDED

The location of the Halfmoon Pond Watershed District is illustrated on the Official District Boundary Map of the Town of Searsport.

3. HISTORIC OVERLAY DISTRICT (H)

a. PURPOSE

The purpose of the Historic Overlay District is to acknowledge and ensure the long-term preservation of historical structures listed on the National Register of Historic Places and not to regulate land use. Please refer to the appropriate "overlay" district. This district applies only to properties listed on the National Register of Historic Places and designated on the Official District Boundary Map of the Town of Searsport.

b. DISTRICT STANDARDS

Where any property included within the Historic Overlay District is the subject of a land use approval under this or any other Searsport ordinance, the application shall be referred to the Historic Preservation Committee, which shall make findings as to whether the following standards will be met by the development. Such findings shall be advisory to the Code Enforcement Officer or Planning Board, which shall make final determinations and may place reasonable conditions related to these standards.

i. Every reasonable effort shall be made maintain the integrity of existing buildings, structures or grounds, giving due consideration to the economic feasibility of maintaining such buildings, structures or grounds.

ii. The distinguishing original qualities of character of a building, structure or site shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided when reasonably possible.

iii. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis should be avoided when reasonably possible.

iv. Distinctively stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be retained wherever feasible.

v. Deteriorated architectural features shall be repaired rather than replaced, wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture, color, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

vi. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall be avoided when possible.

D. OFFICIAL DISTRICT BOUNDARY MAP

Districts established by this Ordinance are bounded and defined as shown on the official "District Boundary Map of Searsport, Maine". The following rules of interpretation shall apply: The official copy of the map shall be that map which bears the certification that it is true and correct, signed by the Chairman of the Planning Board and attested by the Town Clerk and on file in the office of the Town Clerk. The official "District Boundary Map of Searsport, Maine" shall be given precedence over any District description in this Ordinance.

E. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to boundary lines of Districts as shown on the official "District Boundary Map of Searsport", the following rules of interpretation shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, public utilities or right of ways shall be construed as following such center lines
2. Boundaries indicated as being approximately following shorelines of any lake or pond shall be construed as following the normal high water mark;
3. Boundaries indicated as being the extension of centerlines of streets shall be construed to be the extension of such centerlines;

4. Boundaries indicated as approximately following the centerlines of streams, rivers or other continuous flowing watercourses shall be construed as following the channel center line of such watercourses;
5. Boundaries indicated as being parallel to or extension of features listed above shall be so construed. Distances not specifically indicated on the official map shall be determined by the scale of the map;
6. Where physical or cultural features existing on the ground are at variance with those shown on the official map, or in other circumstances where uncertainty exists with respect to the location of a boundary, the Planning Board shall interpret the district boundaries.

F. AMENDMENTS TO DISTRICT BOUNDARIES

The Board of Selectmen, of its own initiative, and the Planning Board or any property owner may petition for a change in the boundary of any District. No change in a District boundary shall be approved without a duly authorized majority vote at an Annual Town Meeting. A warrant article shall not be presented for consideration without written findings of fact from the Planning Board, upon substantial evidence, that:

1. The change would be consistent with: the standards of the District boundaries in effect at the time; the Comprehensive Plan; and the purpose, intent, and provisions of this Ordinance; and
2. The change in District boundaries will satisfy a demonstrated need in the community and will have no undue adverse impact on existing uses or resources; or that a new District designation is more appropriate for the protection and management of existing uses and resources within the affected area. The Planning Board will not act upon petition for a change in District boundaries unless notice is first given to all owners of land abutting or located within 1000 feet of the parcel for which a change in boundaries is sought. The Planning Board may require, as a part of any petition for a change in District boundaries, that the petitioner submit the names and addresses of all such surrounding landowners as well as notify all registered voters if the change is deemed to have a potential town-wide impact.

SECTION IV - DISTRICT ATTRIBUTES

This section contains District descriptions, permitted uses and dimensional requirements applicable to new construction or uses.

A. ACTIVITIES DESCRIBED

The various land uses contained herein are organized according to the following seven (7) activity classifications:

1. Resource Management Activities
2. Resource Extraction Activities
3. Residential Activities
4. Institutional Activities
5. Commercial Activities
6. Industrial Activities
7. Transportation Activities

B. CATEGORIES OF USES

1. Uses Allowed without a Permit
2. Use Requires Code Enforcement Review/Permit
3. Use Requires Planning Board Review/Permit

C. USES SUBSTANTIALLY SIMILAR TO PERMITTED USES SHALL BE PERMITTED

1. **USES ALLOWED WITHOUT A PERMIT:** Uses substantially similar to those allowed without a permit but are not listed herein shall be permitted upon a ruling by the Code Enforcement Officer that such use is substantially similar to uses listed.
2. **USES REQUIRING A CODE ENFORCEMENT OFFICER PERMIT:** Uses substantially similar to those requiring a Code Enforcement Officer permit but which are not listed herein shall be permitted by the Code Enforcement Officer.
3. **USES REQUIRING A PLANNING BOARD PERMIT:** Uses substantially similar to those requiring a Planning Board permit but which are not listed herein shall be permitted by the Planning Board.
4. In determining whether a use is substantially similar to a permitted use, the reviewing authority shall consider the nature of the use and its intensity, in terms of traffic, noise, odor, type of goods manufactured or sold or services offered (if applicable).

D. COMPLIANCE WITH PERFORMANCE STANDARDS REQUIRED

All uses permitted must occur and be maintained in compliance with the applicable requirements and performance standards contained in Section V.

COMMERCIAL DISTRICT (C): The Purpose of the Commercial District is to encourage development of commercial uses while planning carefully to avoid conflicts with residential and other uses, and to inhibit strip development and dense sprawl along Route One. The location of the Commercial District is illustrated on the Official District Boundary Map of the Town of Searsport.

<p>The following uses/activities are allowed in the Commercial District.</p> <p><u>RESOURCE MANAGEMENT</u> Uses allowed without review/permit: a) Forest and agricultural management activities b) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected c) Surveying and other resource analysis d) Wildlife/fishery management practices</p> <p><u>RESOURCE EXTRACTION</u> Uses allowed without review/permit: a) Commercial timber harvesting</p> <p>Code Enforcement Officer review/permit required: a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells b) Production of commercial agricultural products.</p> <p><u>RESIDENTIAL</u> Uses allowed without review/permit: a) In-Law apartment</p> <p>Police Department review/permit: a) Yard, porch, barn, garage sale (a) Each sale no more than 3 consecutive days (b) 1 sale per year to a residence b) On-Site auction sale (a) Each sale no more than 2 consecutive days (b) 1 sale per year to a residence</p> <p>Code Enforcement Officer review/permit required a) Dwelling – single-family detached b) Dwelling – multi-family: two unit or duplex. c) Home occupations</p> <p>Planning Board review required (already in effect): a) Boarding care b) Dwelling unit: in a commercial establishment c) Dwelling - multi-family; 3 or more families, including apartments</p>	<p><u>INSTITUTIONAL</u> Planning Board review required (already in effect): a) Churches b) Day care centers c) Fraternal Orders and Service Clubs d) Government Facilities and Services e) Medical Clinic f) Museum g) Nursing Homes h) Public and private schools, post-secondary education facilities</p> <p><u>COMMERCIAL</u> Police Department review/permit: Outdoor Yard, porch, barn, garage sale</p> <p>Planning Board review required (already in effect): a) Apartment Complex 3+ units b) Auction hall, flea market c) Automobile body repair, service, sales and supplies d) Bait & tackle sales, sporting goods sales e) Banks/credit unions f) Bar/pub g) Beauty shops h) Bed & breakfast, motel/hotel/inns i) Boat storage facilities, yard j) Campground k) Commercial fishing operations l) Commercial & non-commercial vessel berthing m) Craft/gift, tradesman shop, art gallery, antique shop n) Fishing, diving, and sailing shop/instruction o) Florist shop, greenhouse p) Fuel sales – commercial & motor vehicle retail fuels q) Funeral home r) Grocery store, supermarket s) Marina, marine office, harbor supply & services, chandlery t) Marine vessel repair, service, sales & rental u) Professional offices, office complex v) Radio station (Continued – next page)</p>
--	---

COMMERCIAL (Continued)**Planning Board review required (already in effect):**

- w) Recreation facilities
- x) Recreation vehicles sales and service
- y) Redemption center
- z) Research & Development facilities
- aa) Restaurant
- bb) Retail establishments
- cc) Shipbuilding
- dd) Seafood distribution
- ee) Tugboat, fireboat, pilot boat & similar services
- ff) Veterinary clinic/hospital
- gg) Video rentals
- hh) Warehouse/storage facility

INDUSTRIAL**Planning Board review required (already in effect)**

- a) Light Manufacturing Assembly Plant up to 10,000 sq. ft.
- b) Wholesale business facility up to 10,000 sq. ft.

TRANSPORTATION AND UTILITIES**Code Enforcement Officer review/permit required:**

- a) Land management roads and water crossings of standing waters and of minor and major flowing waters

Planning Board review required (already in effect):

- a) Inter modal transportation facilities
- b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops
- c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS**Minimum Lot Size**

- o 5,000 s.f. with public sewer/water
- o 20,000 s.f. without public sewer/water

Minimum Lot Size per Principle Structure –

- o 5,000 s.f. with public sewer/water
- o 20,000 s.f. without public sewer/water

Minimum Road Frontage

- o State maintained roads (including Route 1) subject to MDOT's Access Mgmt Standards
- o Lots not on state maintained roads – 25 ft.

Setbacks from property line

- o Downtown* Front, Side and Rear – 0 ft.
 - o Other locations Front, Side and Rear – 10 ft.
- Maximum building height at ridge line – 40'**

*** For these purposes, the downtown area is defined as follows:**

On the south side of Route 1 from Elm Street to Mosman Street

On the north side of Route 1 from Church Street to Goodell Street

COMMERCIAL 2 DISTRICT (C2): The Purpose of the Commercial 2 District is to encourage development of low impact commercial uses that will prevent overdevelopment and sprawl. The location of the Commercial 2 District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Commercial 2 District.

RESOURCE MANAGEMENT

Uses allowed without review/permit:

- a) Forest and agricultural management activities
- b) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected
- c) Surveying and other resource analysis
- d) Wildlife/fishery management practices

RESOURCE EXTRACTION

Uses allowed without review/permit:

- a) Commercial timber harvesting.

Code Enforcement Officer review/permit required:

- a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells
- b) Production of commercial agricultural products.

RESIDENTIAL

Uses allowed without review/permit:

- a) In-Law apartment

Police Department review/permit:

- c) Yard, porch, barn, garage sale
 - (a) Each sale no more than 3 consecutive days
 - (b) 3 sales per year to a residence
- d) On-Site auction sale
 - (a) Each sale no more than 2 consecutive days
 - (b) 1 sale per year to a residence

Code Enforcement Officer review/permit required

- a) Dwelling – single-family detached
- b) Dwelling – multi-family: two unit or duplex.
- c) Home occupations

Planning Board review required (already in effect):

- a) Boarding care
- b) Dwelling unit: above or behind a commercial establishment
- c) Dwelling - multi-family; 3 or more families, including apartments

INSTITUTIONAL

Planning Board review required (already in effect): a)

- Cemeteries
- b) Churches
- c) Day care centers
- d) Fraternal Orders and Service Clubs
- e) Government Facilities and Services
- f) Medical Clinic
- g) Museum
- h) Nursing Homes
- i) Public and private schools, post secondary education facilities

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required (already in effect): a)

- Apartment Complex 43+ units
- b) Auction hall, flea market
- c) Automobile body repair, service, sales and supplies
- d) Bait & tackle sales, sporting goods sales
- e) Banks/credit unions
- f) Bar/pub
- g) Beauty shops
- h) Bed & breakfast, motel/hotel/inns, maximum 10 rooms
- i) Boat storage facilities, yard
- j) Campground
- k) Craft/gift, tradesman shop, art gallery, antique shop
- l) Fireworks Store
- m) Fishing, diving, and sailing shop/instruction
- n) Florist shop, greenhouse
- o) Fuel Sales
- p) Funeral home
- q) Grocery store
- r) Marine construction & salvage
- s) Marine office, harbor supply & services, chandlery
- t) Professional offices, office complex
- u) Radio station
- v) Recreation facilities
- w) Recreation vehicles sales and service
- x) Redemption Center
- y) Research & development facilities
- z) Restaurant, take-out restaurant
- aa) Retail establishments of less than or equal to 10,000 square feet

(Continued – next page)

COMMERCIAL 2 DISTRICT (C2) (Continued)

<p><u>COMMERCIAL</u> (Continued)</p> <p>Planning Board review required (already in effect):</p> <ul style="list-style-type: none">bb) Sales & Rentals of marine Vessels and Related Marine Equipmentcc) Seafood distributiondd) Shipbuildingee) Veterinary clinic/hospitalff) Video rentalsgg) Warehouse/storage facility <p><u>INDUSTRIAL</u></p> <p>Planning Board review required (already in effect):</p> <ul style="list-style-type: none">a) Light Manufacturing Assembly Plant up to 10,000 sq. ft.b) Lumber Yard/Sawmillc) Wholesale business facility up to 10,000 sq. ft. <p><u>TRANSPORTATION AND UTILITIES</u></p> <p>Code Enforcement Officer review/permit required:</p> <ul style="list-style-type: none">a) Land management roads and water crossings of standing waters and of minor and major flowing waters <p>Planning Board review required (already in effect):</p> <ul style="list-style-type: none">a) Inter modal transportation facilitiesb) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service dropsc) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review <p>Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.</p>	<p><u>DIMENSIONAL REQUIREMENTS</u></p> <p>Minimum Lot Size</p> <ul style="list-style-type: none">o 60,000 s.f. <p>Minimum Lot Size per Dwelling Unit</p> <ul style="list-style-type: none">o 60,000 s.f. <p>Minimum Road Frontage</p> <ul style="list-style-type: none">o Rte 1 subject to MDOT's Access Mgmt Standards <p>Setbacks from property line</p> <ul style="list-style-type: none">o Front – 30 ft.o Side and Rear – 10 ft. <p>Maximum Building Height – 40 ft.</p>
---	---

COMMERCIAL 3 DISTRICT (C3): The Purpose of the Commercial 3 District is to encourage development of low impact commercial uses that will prevent overdevelopment and sprawl. The location of the Commercial 3 District is illustrated on the Official District Boundary Map of the Town of Searsport

The following uses/activities are allowed in the Commercial 3 District.

RESOURCE MANAGEMENT

Uses allowed without review/permit:

- a) Forest and agricultural management activities
- b) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected
- c) Surveying and other resource analysis
- d) Wildlife/fishery management practices

RESOURCE EXTRACTION

Uses allowed without review/permit:

- a) Commercial timber harvesting.

Code Enforcement Officer review/permit required:

- a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells
- b) Production of commercial agricultural products.

Planning Board review required (already in effect):

- a) Mineral extraction operations for any purpose affecting an area 2 acres or greater in size

RESIDENTIAL

Uses allowed without review/permit:

- a) In-Law apartment

Police Department review/permit:

- e) Yard, porch, barn, garage sale
 - (a) Each sale no more than 3 consecutive days
 - (b) 3 sales per year to a residence
- f) On-Site auction sale
 - (a) Each sale no more than 2 consecutive days
 - (b) 1 sale per year to a residence

Code Enforcement Officer review/permit required:

- a) Dwelling – single-family detached
- b) Dwelling – multi-family: two unit or duplex.
- c) Home occupations

Planning Board review required (already in effect):

- a) Boarding care
- b) Dwelling unit: above or behind a commercial establishment
- c) Dwelling - multi-family; 3 or more families, including apartments
- d) Mobile home park

INSTITUTIONAL

Planning Board review required (already in effect):

- a) Cemeteries
- b) Churches
- c) Day care centers
- d) Fraternal Orders and Service Clubs
- e) Government Facilities and Services
- f) Medical Clinic
- g) Museum
- h) Nursing Homes
- i) Public and private schools, post-secondary education facilities

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required (already in effect):

- a) Apartment Complex 3+ units
- b) Auction hall
- c) Automobile body repair, service, sales and supplies
- d) Bait & tackle sales, sporting goods sales
- e) Banks/credit unions
- f) Bar/pub
- g) Beauty shops
- h) Bed & breakfast, motel/hotel/inns, maximum 10 rooms
- i) Boat storage facilities, yard
- j) Campground
- k) Craft/gift/antique/tradesman shop, art gallery
- l) Fireworks Store
- m) Fishing & commercial vessel berthing
- n) Fishing, diving, and sailing shop/instruction
- o) Florist shop, greenhouse
- p) Fuel Sales
- q) Funeral home
- r) Grocery store, supermarket
- s) Marine office, harbor supply & services, chandlery
- t) Marine transport & excursion services
- u) Professional offices, office complex
- v) Radio station
- w) Recreation facilities
- x) Recreation vehicles sales and service
- y) Research & development facilities
- z) Restaurant, take-out restaurant
- aa) Retail establishments of less than or equal to 10,000 square feet

(Continued – next page)

COMMERCIAL 3 DISTRICT (C3) (Continued)

COMMERCIAL (Continued)

Planning Board review required (already in effect):

- bb) Sales & Rentals of marine Vessels and Related Marine Equipment
- cc) Seafood distribution
- dd) Shipbuilding
- ee) Sporting Cabins
- ff) Veterinary clinic/hospital
- gg) Video rentals
- hh) Warehouse/storage facility

INDUSTRIAL

Planning Board review required (already in effect):

- a) Light Manufacturing Assembly Plant up to 10,000 sq. ft.
- b) Wholesale business facility up to 10,000 sq. ft

TRANSPORTATION AND UTILITIES

Code Enforcement Officer review/permit required:

- a) Land management roads and water crossings of standing waters and of minor and major flowing waters

Planning Board review required (already in effect):

- a) Inter modal transportation facilities
- b) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

- o 60,000 s.f.

Minimum Lot Size per Dwelling Unit –

- o 60,000 s.f.

Minimum Road Frontage

- o Rte 1 subject to MDOT's Access Mgmt Standards

Setbacks from property line

Front – 30 ft.

Side and Rear – 10 ft.

Maximum Building Height – 40 ft.

INDUSTRIAL DISTRICT (I): The Purpose of the Industrial District is to accommodate industrial and large commercial development. The location of the Industrial District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Industrial District.

RESOURCE MANAGEMENT

Uses allowed without review/permit:

- a) Forest and agricultural management activities
- b) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected
- c) Surveying and other resource analysis
- d) Wildlife/fishery management practices

RESOURCE EXTRACTION

Uses allowed without review/permit:

- a) Commercial timber harvesting

Code Enforcement Officer review/permit required:

- a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells
- b) Production of commercial agricultural products.

Planning Board review required (already in effect):

- a) Mineral extraction operations for any purpose affecting an area 2 acres or greater in size

INSTITUTIONAL

Planning Board review required (already in effect):

- a) Day Care Centers
- b) Government Facilities and Services
- c) Medical Clinic
- d) Museum

COMMERCIAL

Planning Board review required (already in effect):

- a) Auction Hall
 - b) Automobile body repair, service, sales and supplies
 - c) Bait & tackle sales
 - d) Banks/credit unions
- (Continued)

COMMERCIAL (Continued)

Planning Board review required (already in effect):

- a) Bar/pub
- b) Beauty shops
- c) Boat storage facilities, yard
- d) Cargo Handling Facilities
- e) Commercial fishing operations
- f) Fishing & commercial vessel berthing
- g) Fishing, diving, and sailing shop/instruction
- h) Fuel sales – commercial & motor vehicle retail fuels
- i) Marina, marine office, harbor supply & services, chandlery
- j) Marine construction & salvage, pollution control facilities
- k) Marine vessel repair, service, sales & rental
- l) Professional offices, office complex
- m) Radio station
- n) Research & development facilities
- o) Seafood processing/packaging/distribution
- p) Shipbuilding
- q) Towers
- r) Tradesman Shop
- s) Tugboat, fireboat, pilot boat & similar services
- t) Warehouse/storage facility
- u) Windmills

INDUSTRIAL

Planning Board review required (already in effect):

- a) Automotive graveyard/Automobile recycling business/Junkyard
- b) Bulk Fuel Distribution Facility - Wholesale
- c) Chemical Manufacturing and/or Distribution
- d) Concrete Plant
- e) Disposal of Hazardous/Leachable Materials
- f) Disposal of Solid Waste other than agriculture
- g) Light Manufacturing Assembly Plant up to 10 k sq. ft.
- h) Lumber Yard/Sawmill
- i) Pulp Mill
- j) Sewage Treatment Facility
- k) Storage/Transport of Leachable Materials

(Continued – next page)

INDUSTRIAL DISTRICT (I) (Continued)

Planning Board review required (already in effect):

- l) Transportation Facility and Terminal Yard
- m) Wholesale business facility up to 10,000 sq. ft.

TRANSPORTATION AND UTILITIES

Code Enforcement Officer review/permit required:

- a) Land management roads and water crossings of standing waters and of minor and major flowing waters

Planning Board review required (already in effect):

- a) Inter modal transportation facilities
- b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops
- c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

- o 3 acres

Minimum Lot Size per Dwelling Unit

- o 3 acres

Minimum Road Frontage

- o 200 ft Setbacks from property line
- o Front 60 ft.
- o Side and Rear 40 ft.

Maximum Structure Height

- o 60 ft. for principal structures
- o 150 ft. for Cranes, Bulk Fuel Storage Tanks, Silos, Grain Elevators, and similar Structures.

MARINE DISTRICT (M): The Purpose of the Marine District is to accommodate marine and commercial marine related activities. The location of the Marine District is illustrated on the Official District Boundary Map of the Town of Searsport

The following uses/activities are allowed in the Marine District.

RESOURCE MANAGEMENT

Uses allowed without review/permit:

- a) Forest and agricultural management activities
- b) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected
- c) Surveying and other resource analysis.
- d) Wildlife/fishery management practices

RESOURCE EXTRACTION

Code Enforcement Officer review/permit required:

- a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells

INSTITUTIONAL

Planning Board review required (already in effect):

- a) Government Facilities and Services
- b) Museum

COMMERCIAL

Planning Board review required (already in effect):

- a) Bait & tackle sales
- b) Boat Storage Facilities, Boat yard
- c) Campgrounds
- d) Cargo Handling Facilities
- e) Commercial Fishing Operations
- f) Commercial & non-commercial vessel berthing
- g) Conference/Education Center up to 150 person capacity
- h) Craft, tradesman shop, art gallery, antique shop
- i) Fishing, diving, and sailing shop/instruction
- j) Marina, marine office, harbor supply & services, chandlery
- k) Marine construction & salvage, pollution control facilities
- l) Marine transport & excursion services
- m) Marine vessel repair, service, sales & rental

(Continued)

COMMERCIAL (continued)

Planning Board review required (already in effect):

- a) Motel, hotel and inns
- b) Recreation facilities
- c) Research & development facilities
- d) Restaurant, take-out restaurant establishments of
- e) Retail less than or equal to 10,000 square feet
- f) Seafood processing/packaging/distribution
- g) Shipbuilding
- h) Tugboat, fireboat, pilot boat & similar services
- i) Warehouse/storage facility
- j) Windmills
- k) Yacht Clubs

TRANSPORTATION AND UTILITIES

Code Enforcement Officer review/permit required:

- a) Land management roads and water crossings of standing waters and of major flowing waters

Planning Board review required (already in effect):

- a) Intermodal transportation facilities
- b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops
- c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

- o 1 acre

Minimum Lot Size per Principle Structure

- o 1 acre Minimum Road Frontage
- o 100 ft.

Setbacks from property line

- o Front 40 ft.
- o Side and Rear 10 ft.

Maximum Building Height

- o 40 ft.

MIXED RESIDENTIAL DISTRICT (MR): The purpose of the Mixed Residential District is to provide an additional area of the community for light industrial growth and expansion of residential and commercial development. The location of the Mixed Residential District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Mixed Residential District.

RESOURCE MANAGEMENT

Uses allowed without review/permit:

- a) Forest and agricultural management activities
- b) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected
- c) Surveying and other resource analysis
- d) Wildlife/fishery management practices

RESOURCE EXTRACTION

Uses allowed without review/permit:

- a) Commercial timber harvesting

Code Enforcement Officer review/permit required:

- a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells
- b) Production of commercial agricultural products.

Planning Board review required (already in effect):

- a) Mineral extraction operations for any purpose affecting an area 2 acres or greater in size

RESIDENTIAL

Uses allowed without review/permit:

- a) In law apartment

Police Department review/permit:

- g) Yard, porch, barn, garage sale
 - (a) Each sale no more than 3 consecutive days
 - (b) 4 sales per year to a residence
- h) On-Site auction sale
 - (a) Each sale no more than 2 consecutive days
 - (b) 1 sales per year to a residence

Code Enforcement Officer review/permit required:

- a) Single-family detached dwelling
- b) Multi-family dwelling: two unit or duplex Planning Board review required (already in effect):
- c) Dwelling unit above or behind a commercial establishment
- d) Multi-Family dwelling; 3 or more families, including apartments
- e) Mobile home park

RESIDENTIAL (continued)

- f) Boarding care
- g) Home occupations

INSTITUTIONAL

Planning Board Review required (already in effect):

- a) Cemeteries
- b) Churches
- c) Day care centers
- d) Fraternal Orders and Service Clubs
- e) Nursing homes
- f) Public and private schools, post-secondary education facilities

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required (already in effect):

- a) Adult entertainment
 - b) Apartment Complex 3+ units
 - c) Auction hall
 - d) Automobile body repair, service, sales and supplies
 - e) Bait & tackle sales, sporting goods sales
 - f) Banks/credit unions
 - g) Beauty shops
 - h) Bed & breakfast
 - i) Boat storage facilities, yard
 - j) Campground
 - k) Cargo Handling Facilities
 - l) Commercial fishing operations
 - m) Commercial & non-commercial vessel berthing n) Craft/gift, tradesman shop, art gallery, antique shop
 - o) Fishing, diving, and sailing shop/instruction
 - p) Florist shop, greenhouse
 - q) Fuel sales
 - r) Funeral home
 - s) Grocery store
 - t) Marine construction & salvage
 - u) Marine office, harbor supply & services, & chandlery
 - v) Marine vessel repair, service, sales & rental w) Professional offices
 - w) A single (1) medical marijuana dispensary as regulated by the Maine Medical Use of Marijuana Act, 22 M.R.S. § 2428 (10) (2009)
 - x) Recreation facilities
- (Continued – next page)

(continued)

- y) Recreation vehicles sales and service
- z) Redemption Center
- aa) Research & development facilities
- bb) Restaurant, take-out restaurant
- cc) Retail establishments of less than or equal to 10,000 square feet
- dd) Sporting goods
- ee) Towers up to and including 195 feet in height
- ff) Veterinary clinic/hospital
- gg) Video rentals
- hh) Warehouse/storage facility

INDUSTRIAL

Planning Board review required (already in effect):

- a) Automotive graveyard/Automobile recycling business/Junkyard
- b) Bulk Fuel Distribution Facility - Wholesale
- c) Concrete Plant
- d) Disposal of Solid Waste other than agriculture
- e) Light Manufacturing Assembly Plant up to 10 k sq. ft.
- f) Lumber Yard/Sawmill
- g) Storage/Transport of Leachable Materials
- h) Transportation Facility and Terminal Yard
- i) Wholesale business facility up to 10,000 sq. ft.

TRANSPORTATION AND UTILITIES

Code Enforcement Officer review/permit required:

- a) Land management roads and water crossings of standing waters and of minor and major flowing waters

Planning Board review required (already in effect):

- a) Inter modal transportation facilities
- b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops
- c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

- o 20,000 s.f.

Minimum Lot Size per Principle Structure

- o 7,500 s.f. with public sewer/water
- o 20,000 s.f. without public sewer/water

Minimum Road Frontage

- o 100 ft.

Setbacks from property line

- o Front 20 ft.
- o Side and Rear 10 ft.

Maximum Building Height

- o 40 ft.

RESIDENTIAL DISTRICT (R): The purpose of the Residential District is to encompass existing development and to provide areas for growth for future residential housing needs and small businesses. The location of the Residential District is illustrated on the Official District Boundary Map of the Town of Searsport

The following uses/activities are allowed in the Residential District.

RESOURCE MANAGEMENT & EXTRACTION

Uses allowed without review/permit:

- a) Wildlife/fishery mgmt practices
- b) Surveying & other resource analysis
- c) Forest and Agricultural mgmt activities.
- d) Non-commercial uses for scientific, educational or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected
- e) Commercial timber harvesting

Code Enforcement Officer review/permit required:

- a) Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells.

Planning Board review required (already in effect):

- a) Mineral extraction operations for any purpose, affecting an area 2 acres or greater in size.

RESIDENTIAL

Uses allowed without review/permit:

- a) In law apartment

Police Department review/permit:

- i) Yard, porch, barn, garage sale
 - (a) Each sale no more than 3 consecutive days
 - (b) 4 sales per year to a residence
- j) On-Site auction sale
 - (a) Each sale no more than 2 consecutive days
 - (b) 1 sale per year to a residence

Code Enforcement Officer review/permit required:

- a) Single-family detached dwelling
- b) Multi-family dwelling: two unit or duplex
- c) Home occupations

Planning Board review required (already in effect):

- a) Dwelling unit above or behind a commercial establishment
- b) Multi-Family dwelling; 3 or more families, including apartments

RESIDENTIAL (continued)

Planning Board review required

- c) Mobile home park
- d) Boarding care

INSTITUTIONAL

Planning Board Review required (already in effect):

- a) Cemeteries
- b) Churches
- c) Day care centers
- d) Nursing homes

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required (already in effect):

- a) Apartment complex 43+ units
- b) Beauty shops
- c) Bed & Breakfasts
- d) Craft shop/art gallery, antique shop
- e) Florist shop, greenhouse
- f) Funeral home
- g) Professional offices
- h) Recreational facilities
- i) Research & development facilities
- j) Veterinary clinic/hospital

TRANSPORTATION & UTILITIES

Code Enforcement Officer review/permit required:

- a) Land Management roads and water crossings of standing waters, minor and major flowing waters

Planning Board review required (already in effect):

- a) Intermodal transportation facilities
- b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops
- c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

(Continued)

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

- o 10,000 s.f. with public sewer/water
- o 20,000 s.f. without public sewer/water Minimum

Lot Size per Principle Structure

- o 7,500 s.f. with public sewer/water
- o 20,000 s.f. without public sewer/water

Minimum Road Frontage

- o Rte 1 & other state maintained roads subject to MDOT's Access Mgmt Standards;
- o Lots not on Rte. 1 – 100 ft.

Setbacks from property line

front 15';
side & rear 10'

Maximum building height at ridge line – 40'

RESIDENTIAL 2 DISTRICT (R2): The purpose of the Residential 2 District is to minimize the potential for sprawl and retain the unique character of these portions of the community. The location of the Residential 2 District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Residential 2 District.

RESOURCE MANAGEMENT & EXTRACTION

Uses allowed without review/permit:

- a) Wildlife/fishery management practices
- b) Surveying and other resource analysis
- c) Forest and agricultural management activities
- d) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected
- e) Commercial timber harvesting

Code Enforcement Officer review/permit required:

- a) Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells.

RESIDENTIAL

Uses allowed without review/permit:

- a) In law apartment

Police Department review/permit:

- k) Yard, porch, barn, garage sale
 - (a) Each sale no more than 3 consecutive days
 - (b) 2 sales per year to a residence
- l) On-Site auction sale
 - (a) Each sale no more than 2 consecutive days
 - (b) 1 sales per year to a residence

Code Enforcement Officer review/permit required:

- a) Single-family detached dwelling
- ~~b) Single-family mobile home~~
- eb) Multi-family dwelling: two unit or duplex
- ec) Home occupations

Planning Board review required (already in effect):

- a) Dwelling unit above or behind a commercial establishment
- b) Multi-Family dwelling; 3 or more families, including apartments
- c) Boarding care

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required (already in effect):

- a) Bed & Breakfasts
- b) Craft shop/art gallery, antique shop
- c) Florist shop, greenhouse
- d) Professional offices
- e) Veterinary clinic/hospital

TRANSPORTATION & UTILITIES

Code Enforcement Officer review/permit required:

- a) Land Management roads and water crossings of standing waters, minor and major flowing waters

Planning Board review required (already in effect):

- a) Intermodal transportation facilities
- b) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

o 60,000 s.f.

Minimum Lot Size per Dwelling Unit

o 60,000 s.f.

Minimum Road Frontage

- o State maintained roads (including Route 1) subject to MDOT's Access Mgmt Standards
- o Lots not on state maintained roads – 100 ft.

Setbacks from property line – front 30'; side & rear 10'

Maximum building height at ridge line – 40'

RESIDENTIAL 3 DISTRICT (R3): The purpose of the Residential 3 District is to maintain the unique historic character of this downtown residential neighborhood. The location of the Residential 3 District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Residential 3 District.

RESOURCE MANAGEMENT & EXTRACTION

Uses allowed without review/permit:

- a) Surveying and other resource analysis
- b) Forest and agricultural management activities
- c) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected
- d) Commercial timber harvesting

Code Enforcement Officer review/permit required:

- a) Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells.

RESIDENTIAL

Uses allowed without review/permit:

- a) In law apartment

Police Department review/permit:

- m) Yard, porch, barn, garage sale
 - (a) Each sale no more than 3 consecutive days
 - (b) 2 sales per year to a residence
- n) On-Site auction sale
 - (a) Each sale no more than 2 consecutive days
 - (b) 1 sales per year to a residence

Code Enforcement Officer review/permit required:

- a) Single-family detached dwelling
- b) Home occupations

Planning Board review required (already in effect):

- a) Boarding care

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required (already in effect):

- a) Bed & Breakfasts
- b) Commercial fishing operations
- c) Fishing & commercial vessel berthing
- d) Noncommercial Vessel Berthing

TRANSPORTATION & UTILITIES

Code Enforcement Officer review/permit required:

- a) Land Management roads and water crossings of standing waters, minor and major flowing waters

Planning Board review required (already in effect):

- a) Intermodal transportation facilities
- b) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

o 10,000 s.f.

Minimum Lot Size per Principle Structure

o 7,500 s.f.

Minimum Road Frontage

o 100 ft.

Setbacks from property line o 10 ft.
front, side & rear

Maximum building height
40ft.

RURAL AGRICULTURAL RESIDENTIAL DISTRICT (RAR): The purpose of the Rural Agricultural Residential District is to maintain the rural character of the town, to protect agricultural and forestry uses, to provide open spaces and to provide for lower density residential dwellings. The location of the Rural Agricultural Residential District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Rural Agricultural District.

RESOURCE MANAGEMENT

Uses allowed without review/permit:

- a) Forest and agricultural management activities
- b) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected
- c) Surveying and other resource analysis
- d) Wildlife/fishery management practices

RESOURCE EXTRACTION

Uses allowed without review/permit:

- a) Commercial timber harvesting

Code Enforcement Officer review/permit required:

- a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells
- b) Production of commercial agricultural products

Planning Board review required (already in effect):

- a) Mineral extraction operations for any purpose affecting an area 2 acres or greater in size

RESIDENTIAL

Uses allowed without review/permit:

- a) In-Law apartment

Police Department review/permit:

- o) Yard, porch, barn, garage sale
 - (a) Each sale no more than 3 consecutive days
 - (b) 4 sales per year to a residence
- p) On-Site auction sale
 - (a) Each sale no more than 2 consecutive days
 - (b) 1 sales per year to a residence

Code Enforcement Officer review/permit required:

- a) Dwelling – single-family detached
- b) Dwelling – multi-family: two unit or duplex
- c) Home occupations

Planning Board review required (already in effect):

- a) Boarding care
- b) Dwelling unit: above or behind a commercial establishment

RESIDENTIAL (continued)

Planning Board review required (already in effect):

- c) Dwelling - multi-family; 3 or more families, including apartments

INSTITUTIONAL

Planning Board review required (already in effect):

- a) Cemeteries
- b) Churches
- c) Day Care Centers
- d) Fraternal Orders and Service Clubs
- e) Medical Clinic
- f) Museum
- g) Nursing Homes
- h) Public and private schools, post-secondary education facilities

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required (already in effect):

- a) Auction hall, flea market
- b) Bait & tackle sales
- c) Beauty Shops
- d) Bed and Breakfast
- e) Boarding Kennels
- f) Boat storage facilities
- g) Campgrounds
- h) Craft, tradesman shop, art gallery, antique shop i) Florist shop, greenhouse
- j) Funeral home
- k) Golf course
- l) Grocery Store
- m) Professional Offices
- n) Recreation facilities
- o) Research & development facilities
- p) Sporting Cabins
- q) Towers
- r) Veterinary Clinic/Hospital
- s) Windmills

(Continued on next page)

RURAL AGRICULTURAL RESIDENTIAL DISTRICT (RAR) (Continued)

INDUSTRIAL

Planning Board review required (already in effect):

- a) Lumber Yard/Sawmill

TRANSPORTATION AND UTILITIES

Code Enforcement Officer review/permit required:

- a) Land Management roads and water crossings of standing waters, minor and major flowing waters

Planning Board review required (already in effect):

- a) Inter modal transportation facilities
- b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops
- c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

- o 3 acres

Minimum Lot Size per Dwelling Unit

- o 1 acre (less if cluster housing provisions are met)

Minimum Road Frontage

- o 200 ft.

Setbacks from property line

- o Front 25 ft.
- o Side and Rear 10 ft.

Maximum Building Height – 40 ft.

SECTION V: LAND USE STANDARDS

SECTION USERS GUIDE: This section contains general performance standards with which all new development proposals submitted for approval pursuant to this Ordinance must comply. The purpose of the regulations contained in this section is to allow maximum utilization of land while protecting against adverse impacts on the environment, neighboring properties, and the public interest. This assurance is provided by separating the areas of the Town of Searsport into districts and permitting specific land uses within each, provided that a use meets all the additional criteria specified in this Ordinance. This regulatory approach has been termed "performance zoning" because it permits a use to be developed on a particular parcel only if the use on that parcel meets "performance standards".

The following Land Use Standards shall govern all Land Use Permits issued by the Code Enforcement Officer and the Planning Board. In reviewing applications submitted pursuant to this Ordinance, the Code Enforcement Officer or the Planning Board shall consider the following performance standards and make written findings that each applicable standard has been met prior to issuing final approval. In all instances, the burden of proof shall be upon the applicant.

A. GENERAL PERFORMANCE STANDARDS

The following provisions shall apply to all permitted uses, and failure to comply with any of these standards shall be considered a violation of this Ordinance:

1. **Danger** - No material which is dangerous due to explosion, extreme fire hazard, chemical hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable State and Federal codes and regulations.
2. **Vibration** - With the exception of vibration necessarily involved in the construction or demolition of buildings, no unreasonable vibration shall be transmitted outside the lot where it originates.
3. **Wastes** - No offensive wastes shall be discharged or dumped into any river, stream, watercourse, storm drain, pond, lake, or swamp. Industrial wastewater may be discharged to municipal sewers only and in such quantities and quality as to be compatible with existing municipal facilities as proscribed by the Wastewater Superintendent.
4. **Noise** - The level of sound, inherently and recurrently generated from industrial or commercial facilities shall not exceed 70 dBA between 7:00 a.m. and 7:00 p.m. (the "daytime hourly limit"), and 60 dBA between 7:00 p.m. and 7:00 a.m. (the 'nighttime hourly limit') at or within the boundaries of any lot used for a residential purpose, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices.

In addition to the sound level standards otherwise established, commercial or industrial facilities or operations shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones. Tonal sound is defined as a sound wave usually perceived as a hum or which because its instantaneous sound pressure varies essentially as a simple sinusoidal function of time. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than one (1) second.

Determination of noise violation: A noise violation shall be considered to exist when the Code Enforcement Officer or their designee is able to confirm the complaint from the same residential lot within two (2) separate twenty-four-hour periods. The Code Enforcement Officer shall only respond to a complainant who confirms that the noise is detectable at the time of the actual complaint. In order to confirm a complaint, the Code Enforcement Officer or their designee shall first determine that a noise is detectable in the area of the complaint. The Code Enforcement Officer or their designee shall interview the complainant to verify that the detectable noise is in fact the noise that resulted in the complaint. If the complainant verifies the noise as the source of the complaint, then the Code Enforcement Officer shall notify the owner or operator of the alleged noise source either in person or by telephone within one (1) working day, with a written confirmation within seven (7) working days of the complaint. The Code Enforcement Officer shall work with the operator of the alleged noise source to identify the source of the noise and any means by which the noise may be reduced to an acceptable level. If such informal means do not remedy the violation, the Code Enforcement Officer may, in his or her discretion, issue a Notice of Violation in accordance with this Ordinance.

5. Lighting - All exterior lighting shall minimize adverse impact on neighboring properties.

B. SPECIFIC PERFORMANCE STANDARDS

No permit shall be approved unless the standards set forth below (if applicable to the type of use) are met.

1. ADULT ENTERTAINMENT

Refer to Adult Entertainment Ordinance

2. CLUSTER DEVELOPMENT

If 25% to 50% of the site is permanently preserved as open space a corresponding reduction in the minimum lot area per dwelling unit shall be allowed. This approach is an incentive to preserve open space. In no case shall lots served by subsurface sewage disposal systems be less than 20,000 square feet.

3. HOME OCCUPATIONS

The purpose of the Home Occupation provision is to permit the conduct of those activities that are otherwise allowed within the Districts in which they are located. Home occupations are limited to those uses which may be conducted within a residential dwelling, accessory structure or on the property without substantially changing the appearance or condition of the residence or accessory structure, or materially injuring the usefulness of the residence or accessory structure for normal residential purposes. Home occupations initiated after the Effective Date of this Ordinance shall be approved by the Code Enforcement Officer in accordance with the general approval standards set forth in this Ordinance as well as the standards below.

Any home occupation or profession which is accessory to, subordinate to and compatible with a residential use may be permitted by the Code Enforcement Officer if it conforms to the following conditions. If any activities carried out on otherwise residential premises are not incidental or subordinate to the residential use, they shall be treated as an independent non-residential use and subject to the same permit requirements, review procedure and standards as would be applicable to the category of use if not connected with a residence.

- a. The home occupation shall be principally carried on within the dwelling or accessory structure. Necessary parking areas or incidental storage of equipment shall be permitted.
- b. The home occupation shall be conducted only by a person or persons residing in the dwelling unit, and/or not more than two employees;
- c. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable hours, shall not be permitted;
- d. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood, and
- e. The home occupation may utilize for public access:
 - i. Basement spaces;
 - ii. One accessory structure;
 - iii. Unfinished attic spaces to be used for storage only;
 - iv. Home occupations which involve use or storage of hazardous or leachable materials in excess of normal residential use are not permitted, and
 - v. In no case shall the home occupation be open to the public at times earlier than 7:00 A.M. nor later than 9:00 P.M.

Any home occupation which does not meet one or more of the above performance standards shall be considered in violation of this Ordinance and may be subject to prosecution or required to be permitted as a commercial use.

4. JUNKYARDS / AUTOMOBILE GRAVEYARDS / AUTOMOBILE RECYCLING BUSINESSES

Refer to the Maine State Statues Title 30, M.R.S.A. Section 3751 et. seq. to Regulate Junkyards, Automobile Graveyards and Automobile Recycling Businesses

5. MANUFACTURED HOUSING

All manufactured housing sited within the Town of Searsport after the adoption of this ordinance must meet the standards of the Manufactured Home & Construction Safety Standards of the Department of Housing & Urban Development adopted in 1976.

6. SIGNS

No sign shall be hereafter erected, altered or maintained, within the limits of the Town of Searsport except in conformance with the provisions of this section.

- a. **Signs Prohibited:** No sign, whether new or existing, shall be permitted within the Town of Searsport which causes a traffic sight, health or welfare hazard, or results in a nuisance, due to illumination, placement, display, or obstruction of existing signs.
- b. **Off Premise Signs:** No off premise sign shall be erected or maintained in the Town of Searsport except in conformity with Title 23 MRSA, Section 1901-1925, and The Maine Traveler Information Services Law. Off premises official business directional signs may be located in the Town of Searsport in such a location and in such a manner as allowed under Title 23, Section 1901-1925 and under the rules and regulations of the Department of Transportation of the State of Maine.
- c. **Exempt Signs:** Traffic control signs, signals, and/or devices regulating or enhancing public safety erected by a governmental body are exempt from the provisions of this section except as otherwise provided for herein:

d. **Changeable Signs:** Changeable signs shall not be permitted except in conformance with the Town of Searsport Changeable Signs Ordinance.

e. A Bed and Breakfast shall be limited to two signs, each not to exceed 9 square feet.

7. TOWERS – Refer to Searsport Wireless Facilities Ordinance

8. TRANSIENT ACCOMMODATIONS: “BED AND BREAKFAST” “Bed and Breakfast” accommodations shall be permitted in the private residence of the host family who live on the premises provided that:

- a. The maximum number of guests at any time is sixteen (16) persons;
- b. The maximum number of beds is eight (8);
- c. Meals are only served to registered guests;
- d. Two (2) signs, each not to exceed nine (9) square feet, are permitted on the premises.

9. WINDMILLS – Refer to Searsport Wind Energy Ordinance

10. WIRELESS FACILITIES – Refer to Searsport Personal Wireless Facilities Ordinance

11. ACTIVITIES REQUIRING SITE PLAN REVIEW

Any new commercial, retail, industrial, institutional use, or any residential use comprising three or more dwelling units, shall require approval pursuant to the Site Plan Review Ordinance. The specific types of uses subject to the Site Plan Review Ordinance shall be as provided therein.

SECTION VI: ADMINISTRATION OF THIS ORDINANCE**SECTION USERS GUIDE:** This section contains provisions for the administration of this Ordinance including specific provisions for certificates of compliance, conditions of approval, and public hearings.

A. CREATION OF ADMINISTERING BODIES AND AGENTS

1. CODE ENFORCEMENT OFFICER

The Code Enforcement Officer shall approve, approve with conditions, or deny those applications over which he/she has jurisdiction as provided in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

2. PLANNING BOARD

The Planning Board of the Town of Searsport is hereby designated as the Planning Board heretofore, established in accordance with Article VIII, Pt.2, Section 1, of the Maine Constitution and Title 30-A MRSA, Section 3001. The Planning Board shall be appointed by the Selectmen of the Town of Searsport. The Planning Board is empowered to approve, approve with conditions, or deny applications over which it has jurisdiction as provided in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

3. BOARD OF APPEALS

The Board of Appeals for the Town of Searsport shall be established and governed in accordance with the Town's Board of Appeals Ordinance.

B. APPROVAL REQUIRED

After the effective date of this Ordinance, no person shall construct any building or structure or engage in any activity requiring a permit under this Ordinance without first obtaining the approval of the Planning Board or Code Enforcement Officer, as provided herein.

C. APPLICATION REQUIRED

Applications for approval shall be submitted in writing, on forms provided, to the Code Enforcement Officer, who shall oversee the permitting process and record keeping, and determine compliance with the submission requirements set forth herein. The Code Enforcement Officer or Planning Board may require the submission of additional information deemed necessary to determine conformance with the provisions of this Ordinance.

D. CODE ENFORCEMENT OFFICER PERMIT

In addition to any other permits or approvals required, a permit issued by the Code Enforcement Officer shall be required before beginning or undertaking any of the following activities:

1. ACTIVITIES REQUIRING PERMIT

a. **FLOOD HAZARD AREAS:** All construction or earth moving activities or other improvements within the 100-year flood plain designated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

b. **NEW CONSTRUCTION:** New construction of buildings or structures.

c. **ALTERATION:** Alteration of a building, structure, or land, or parts thereof. The permitting authority shall be as designated in Section V of this Ordinance. Site Plan Review may also be required – see the Site Plan Review Ordinance.

d. **PLACEMENT OF SIGNS:** Placement of signs except temporary signs, except where approved by the Planning Board as part of a site plan review.

e. **MOVING OR DEMOLITION:** All buildings or structures which are removed from or moved onto, or moved around within a lot, or demolished.

f. **CHANGE OF USE:** The change of use any premises. The Code Enforcement Officer shall determine whether a particular activity constitutes a Change of Use as defined in this Ordinance. If the change is to a type of use for which Site Plan Review is required, a Site Plan approval shall be obtained from the Planning Board.

g. **SECTION IV: F. SCHEDULE OF USES.** Any activity requiring a Land Use Permit issued by the Code Enforcement Officer, in accordance with the Land Use Ordinance Schedule of Uses.

E. APPLICATION AND REVIEW PROCEDURES

1. APPLICATION:

All applications for a permit required by this Ordinance shall be submitted, with fee if applicable, in writing to the Code Enforcement Officer on forms provided.

2. SUBMISSIONS:

All applications for a permit shall be accompanied by a sketch plan, accurately drawn to scale and showing actual dimensions or distances, and showing:

- a. The actual shape and dimensions of the lot for which a permit is sought;
- b. The location and size of all buildings, structures, and other significant features currently existing on the lot, as well as all water bodies and wetlands within two hundred fifty feet (250') of the property lines;
- c. The location and building plans of new buildings, structures or portions thereof to be constructed. Plans to be submitted if deemed necessary by the Code Enforcement officer;
- d. The existing and intended use of each building or structure;
- e. Where applicable, the location of soil test pits, subsurface sewage disposal system, parking lots and driveways, signs, buffers, private wells; and
- f. Where Site Plan Review is required under the Site Plan Review Ordinance, the application shall include a site plan and other materials required by the Site Plan Review Ordinance.
- g. Such other information as may be reasonably required by the Code Enforcement Officer or Planning Board to provide for the administration and enforcement of this Ordinance.

3. TO WHOM ISSUED:

A permit shall be issued to none other than the applicant or his authorized agent. Written proof of authorization shall be required from the owner of record, if not the applicant.

4. COMPLIANCE WITH LAND USE ORDINANCE:

All activities undertaken pursuant to a permit issued under this Section shall comply with all applicable standards set forth in Section V of this Ordinance.

5. DEADLINE FOR ACTION:

The Code Enforcement Officer shall, within thirty (30) days of receipt of a complete application: (1) issue the permit, if the Code Enforcement Officer has jurisdiction over the application and all proposed construction and uses meet the provisions of the Ordinance; (2) refer the application to the Planning Board for its review; or (3) deny the application. All decisions of the Code Enforcement Officer shall be

in writing. The Planning Board in its review of any application shall follow the procedures outlined in the Site Plan Review Ordinance.

6. COPIES:

One (1) copy of the application, with the permit or other written decision, shall be returned to the applicant, and one (1) copy, with a copy of the permit or written decision, shall be retained by the Code Enforcement Officer as a permanent public record.

7. POSTING:

The applicant shall cause any permit issued to be conspicuously posted on the lot on which the activity will occur at a location clearly visible from the street.

8. COMMENCEMENT AND COMPLETION OF WORK:

Construction and alteration activities on projects for which a permit has been granted under this Section shall be completed within twenty-four (24) months of the date of issuance of that permit. Activities may be extended for up to twelve (12) months by the Code Enforcement Officer, for good cause, if an application for an extension is submitted not later than thirty days prior to the expiration of the prior permit and a substantial portion has been completed. If an application for extension is not submitted, then activities which are not commenced or completed within the time limits provided above shall be subject to new application and the permit issued under this Section shall be considered void.

F. OTHER PERMITS REQUIRED BEFORE APPROVAL

Applications for approval under this Ordinance will not be considered complete for processing until all other required local, state, and federal permits and licenses have been secured and evidence that they have been secured has been provided, unless state or federal regulations require local approval first.

G. POSITIVE FINDINGS REQUIRED

Approval shall be granted by the Code Enforcement Officer or Planning Board, after receipt of a complete application, only upon a positive finding by the Code Enforcement Officer or Planning Board that the proposed use:

1. Is a permitted use in the district in which it is proposed to be located;
2. Is in conformance with the applicable performance standards of Section V of this Ordinance;
3. Has received, or as a condition of approval, will receive all other permits or approvals required under other applicable Town of Searsport Ordinances related to the use of property, including but not limited to the Site Plan Review Ordinance, Shoreland Zoning Ordinance, Subdivision Ordinance, Halfmoon Pond Watershed Protection Ordinance and Floodplain Management Ordinance;
4. Will provide safe access and egress from existing or proposed public and private roads.

H. CERTIFICATE OF OCCUPANCY REQUIRED

A certificate of occupancy is required prior to occupying any structure or commencing any use granted approval under the provisions of this ordinance and shall be obtained from the CEO. A certificate of occupancy shall be granted if the CEO finds that the structure or use has received all applicable Town-issued permits, is in compliance with any conditions imposed by said permits, and conforms to provisions of the Land Use Ordinance, electrical code, plumbing code, Americans with Disabilities Act, Life Safety 101 and NFPA 31 and may be safely used or occupied. Such a certificate shall be required for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be lawfully occupied.

I. VIOLATIONS AND ENFORCEMENT

1. VIOLATION.

Any construction of buildings or structures, and any use of land, buildings or structures except in conformance with the provisions of this Ordinance shall be deemed a violation of this Ordinance and a nuisance.

2. CODE ENFORCEMENT OFFICER.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct the violation, including discontinuance of illegal use of land, buildings, structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

3. LEGAL ACTIONS.

When the above does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, upon notice from the Code Enforcement Officer, are hereby authorized to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of the Ordinance in the name of the municipality.

4. PENALTIES.

Any person or persons who violate any provision(s) of this Ordinance or any permit issued under the provisions of this Ordinance, shall be subject to civil penalties in accordance with the provisions of Title 30-A MRSA § 4452.

5. CONTRACTOR LIABILITY.

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits for said activity have not been obtained or if work performed by the contractor does not conform to all conditions of approval of the permit or the terms of this Ordinance.

J. APPEALS

1. APPEALS.

The Board of Appeals shall hear appeals from final decisions of the Code Enforcement Officer and Planning Board on decisions to grant or deny permits or approvals pursuant to this Ordinance in accordance with the Town's Board of Appeals Ordinance. Appeals shall be filed within 30 days of the Code Enforcement Officer or Planning Board's official, written decision on the application.

2. VARIANCES.

The Board of Appeals shall authorize variances in accordance with the procedures set forth in the Town's Board of Appeals Ordinance. Variances may be granted only under the following conditions:

- a. Variances may be granted only from the dimensional requirements including, but not limited to, lot size, structure height and setback requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- c. The Board of Appeals shall not grant a variance unless it finds that:
 - i. The proposed structure or use would meet the requirements of the Ordinance except for the specific provision from which relief is sought; and
 - ii. The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 1. That the land in question cannot yield a reasonable return unless a variance is granted;
 2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 3. That the granting of a variance will not alter the essential character of the locality; and
 4. That the hardship is not the result of actions taken by the applicant or a prior owner.
- d. Notwithstanding Section J(2) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
- e. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

K. FEE SCHEDULE. All application fees for permits shall be paid to the Town of Searsport in accordance with the fee schedule as promulgated by the municipal officers upon recommendation of the Planning Board. Fees shall be for the cost of processing the permits and shall not be refundable regardless of the final decision to issue or deny a permit. Advertising costs, technical or legal assistance and associated costs deemed necessary by the Town for the review of applications shall be the responsibility of the applicant.

SECTION VII: DEFINITIONS

A. CONSTRUCTION OF LANGUAGE

1. In this Ordinance, certain terms or words should be interpreted as follows:

- a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual;
- b. The present tense includes the future tense, the singular number includes the plural and plural includes the singular;
- c. The word "shall" is mandatory;
- d. The word "may" is permissive;
- e. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used or occupied"; and
- f. The word "dwelling" includes the word "residence."

2. In the case of any difference or meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

3. Terms not defined shall have the customary dictionary meaning.

B. DEFINITIONS

For the purposes of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

Abutting property / Abutter: Any lot which is physically contiguous with the subject lot even if only at a point, and any lot which is located directly across a street or right of way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

Access: A means of approach or entry to or exit from property.

Accessory Structure: A building which (1) is subordinate in area, extent and purpose to the principal building or use served, (2) is located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance, and (3) is customarily incidental to the principal building or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an "accessory building".

Accessory Use: A use subordinate to a permitted use located on the same lot, and related to the permitted use.

Acre: A measure of land containing forty-three thousand, five hundred and sixty (43,560) square feet.

Adult Entertainment: Any business in any use category which meets the definition of an "Adult Entertainment Business Establishment" as defined in the Town of Searsport Adult Entertainment Business Establishments Ordinance.

Aggrieved Person: A person whose interests are damaged or adversely affected by a decision, an action, or the failure to act by the Planning Board or Code Enforcement Officer.

Agricultural Activity: Land clearing, tilling, fertilizing, including spreading and disposal of animal manure and manure sludge, liming, planting, pesticide application, harvesting of cultivated crops, pasturing of livestock and other similar or related activities, but not the construction, creation or maintenance of land management roads.

Alteration: As applied to a building or structure, a change or rearrangement in the structural parts or in the means of ingress or egress; or an enlargement, whether by extending on a side or by increasing height; or in moving from one location or position to another.

Amusement Park: A commercially operated park with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, and the like.

Antenna, Accessory Use: An antenna that is an accessory use to a residential dwelling unit.

Appeal: A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this Ordinance as expressly authorized by this Ordinance.

Apartment: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating.

Attic: That part of a building that is immediately below, and wholly or partly within, the roof framing.

Automobile graveyard: A yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 101, subsection 42, or parts of the vehicles. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations.

A. "Automobile graveyard" does not include:

(1) An area used for temporary storage of vehicles or vehicle parts by an establishment or place of business that is primarily engaged in doing vehicle repair work to make repairs to render a motor vehicle serviceable. In order for a vehicle's storage to be considered temporary, it must be removed from the site within 180 calendar days of its receipt;

(2) An area used by an automobile hobbyist to store, organize, restore or display antique autos, antique motorcycles, classic vehicles, horseless carriages, reconstructed vehicles, street rods or parts of these vehicles as these vehicles are defined in Title 29-A, section 101 as long as the hobbyist's activities comply with all applicable federal and state statutes and rules and municipal ordinances, other than ordinances that are more restrictive than this subsection regarding the storage of vehicles or vehicle parts that are collected by a hobbyist, except that a municipal ordinance may require areas used by an automobile hobbyist to comply with the screening requirements in section 3754-A, subsection 1, paragraph A and the standards in section 3754-A, subsection 5, paragraph A, paragraph B, subparagraph (1) and paragraph C. For the purposes of this subparagraph, an automobile hobbyist is a person who is not primarily engaged in the business of selling any of those vehicles or parts from those vehicles;

(3) An area used for the parking or storage of vehicles, vehicle parts or equipment intended for use by a municipality, quasi-municipal entity or state or federal agency;

(4) An area used for the storage of operational farm tractors and related farm equipment, log skidders, logging tractors or other vehicles exempted from registration under Title 29-A, chapter 5;

(5) An area used for the parking or storage of vehicles or equipment being offered for sale by a dealer, equipment dealer, trailer dealer or vehicle auction business as defined in Title 29-A, section 851;

(6) An area used for the storage of vehicles by an establishment or place of business that is primarily engaged in business as a new vehicle dealer as defined in Title 29-A, section 851;

(7) An area used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business; or

(8) An area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in Title 29-A, section 101 that is temporarily out of service but is expected to be used by the vehicle or equipment owner or by an operator designated by the owner. This subsection does not exempt an area used for the parking or storage of equipment or vehicles that are not operational while stored or parked in the area.

Automobile recycling business: The business premises of a dealer or a recycler licensed under Title 29-A, sections 851 to 1112 who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, as long as 80% of the business premises specified in the site plan in section 3755-A, subsection 1, paragraph C is used for automobile recycling operations.

A. "Automobile recycling business" does not include:

(1) Financial institutions as defined in Title 9-B, section 131, subsections 17 and 17-A;

(2) Insurance companies licensed to do business in the State;

(3) New vehicle dealers, as defined in Title 29-A, section 851, licensed to do business in the State; or

(4) That portion of the business premises that is used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business.

Automobile Sales: A lot arranged, designed, or used for the storage and display for sale of any motor vehicle and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises.

Automobile Repair Service: A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; over-all painting and undercoating of automobiles.

Basement: The substructure of a building that is partially or wholly below ground level which may or may not be used for living spaces.

Bed and Breakfast: Accommodations provided for compensation as a business in the private residence of the host family, consisting of a maximum of eight guest beds and 16 guests at any one time. Meals may be served only to overnight guests.

Boarding Care/House: A facility for the care of individuals where meals are provided.

Buffers: Units of land, together with specified types and amounts of planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

Building: Any structure having a roof or partial roof, supported by columns or walls, used for the shelter or enclosure of persons, animals, goods or property of any kind. Where independent units with separate entrances are divided by walls, each unit is a building.

Building Front Line: Line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.

Building Height: The height measured to roof ridge or peak, excluding accessories such as cupolas, steeples, etc.

Building, Principal: A building (structure) in which is conducted or in which is intended to be conducted, the main or primary use of the lot on which it is located.

Campground: Any land area specifically designed and developed, containing two or more individual campsites which accommodate that segment of the traveling public seeking temporary camping accommodations for tents, recreational vehicles and/or towed travel trailers for compensation. Accessory uses include camper services and facilities such as shower and laundry facilities, electricity, fresh water, propane and gas sales, ice, outlet for camping supplies and equipment, recreational services etc.

Change of Use: The change in the type or intensity of business use. For example, a gift shop to a restaurant is a change of use. One gift shop to another gift shop is not a change of use, provided the intensity of use is unchanged. Intensity of use is an assessment by the reviewing authority of conditions such as, but not limited to, operating hours, noise, exterior lighting, amount of customer traffic, or signage. If the Code Enforcement Officer finds as a preliminary matter that the overall intensity of use will be increased by 25% or more, the activity shall be reviewed as a change of use.

Cluster Development: The development, according to an approved plan, of a large tract of land where three (3) or more residential buildings are constructed on lots smaller than normally required in the district where located, provided the overall density of the development of the tract does not exceed the density or requirements of the district; and land not built upon is permanently preserved as common "open space". The term also refers to a Planned Unit Development.

Code Enforcement Officer: A person appointed by the Board of Selectmen to administer and enforce this Ordinance.

Commercial: The buying or selling of goods or services or the provision of facilities for a fee.

Condominium: Portions of real estate which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, or an amendment to a declaration and duly recorded. Real estate is not a condominium unless the undivided

interests in the common elements are vested in the unit owners. Any real estate development consisting exclusively of clustered, detached, single family residences is not a condominium, unless so designated in the declaration.

Conference Center: A building constructed for the purpose of educational and/or recreational meetings, seminars or performances.

Day Care Center: A house or place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day, providing care and protection for 3 or more children under the age of 16 unrelated to the operator, not to include nursery schools, summer camps, formal public or private schools, and further defined by the Department of Human Services as follows: **Day Care Center:** A Day Care Facility as defined in State statutes for 13 or more children on a regular basis; and **Day Care Home:** A Day Care Facility as defined in State statutes for 3 to 12 children on a regular basis.

District: A specified portion of the Town, delineated on the Official District Boundary Map, within which certain regulations and requirements or various combinations thereof, apply under the provisions of this Ordinance.

Dwelling: A building or portion thereof, used exclusively for residential occupancy, including single-family, two-family, multiple family dwellings and apartments.

Dwelling, Single Family Detached: A dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit. The term shall include manufactured and prefabricated homes.

Dwelling, Two Family: A detached or semi-detached building containing two (2) or more Dwelling Units.

Dwelling, Multiple Family: A building or structure containing three (3) or more Dwelling Units.

Easement: Legally binding authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

Educational Facility: Any building consisting primarily of classroom space which is used for offering courses, lectures, training seminars or other similar use, including, but not limited to, private nursery, kindergarten, elementary, middle, secondary and post-secondary schools.

Enlargement or To Enlarge: An "enlargement" is an addition to an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.

Essential Services: The construction, alteration, maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection supply or disposal systems. Such systems include towers (with exception of cellular towers), poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories. These systems are exempt from definition of a structure.

Extension or To Extend: An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension.

Family: Two (2) or more persons related by blood, marriage, adoption or guardianship, or not more than five (5) persons not so related occupying a dwelling unit and living as a single housekeeping unit; such a group to be distinguished from a group occupying a boarding house, lodging house, club, or fraternity, or hotel.

Flea Market: An outdoor market selling antiques, used household goods, curios, and the like, at a frequency of four or more days in any six-month period.

Golf Course: An outdoor area laid out for the purpose of playing the game of golf, including golf-related and appurtenant structures and uses. This definition excludes miniature golf courses and golf driving ranges (see "Recreation Facility").

Grocery Store: An establishment retailing food and related commodities.

Guest Room: A room in a hotel, motel, tourist home or "bed and breakfast" residence offered to the public for compensation in which no provision is made for cooking.

Highway: Any public way.

Home Occupation:

Any occupation or profession which is accessory to a dwelling unit or residence, and:

1. Is customarily carried on wholly within a dwelling unit or wholly within a structure accessory to a dwelling unit; and
2. Is carried on exclusively by a member or members of the family residing in the dwelling unit, except, however, two additional employees, not residents of the dwelling unit nor members of the family, shall be permitted; and
3. Is clearly incidental and secondary to the use of the dwelling for residential purposes.

Home occupations shall include, without limitation, such uses as antique and/or gift shops, art studios, beauty shops, dressmaking, teaching, television repair, woodworking, studios, or the office of a broker, physician, dentist, attorney, surveyor, engineer, architect, accountant or insurance agent, but only if the specific type of use is otherwise allowed in the district in which it is located.

Hospital: An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Hotel: An establishment that provides lodging and usually meals, entertainment and various personal services for the public.

Industry/Industrial: Use of premises for assembling, fabricating, finishing, manufacturing, distilling, packaging, or processing. These include but are not limited to assembly plants, laboratories, power plants, pumping stations, repair shops and the extraction of minerals.

In-Law Apartment: The portion of a home, with or without separate entrance, plumbing and cooking facilities which serves the purpose of providing living space to relatives or caretakers of the people residing in the principal dwelling.

Inn: An establishment for lodging and entertaining of travelers.

Institutional: A building or use devoted to some public, governmental, educational, charitable medical or similar use.

Intermodal: The shipment of cargo involving more than one mode of transportation.

Junkyard: A yard, field or other outside area used to store, dismantle or otherwise handle:

A. Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture.

B. Discarded, scrap and junked lumber; and

C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

Kennel, Commercial: Any place in or at which any number of dogs or cats are kept for the purpose of sale or in connection with boarding, care, training or breeding, for which a fee is charged.

Kennel, Non-Commercial: An accessory building to a residence designed or used for the accommodation of dogs or cats owned by the occupants of the residence.

Land Use Permit: A permit for proposed land use activity as defined in this Ordinance and issued by the Planning Board or Code Enforcement Officer in accordance with the provisions of this Ordinance.

Light Manufacturing: The fabrication or processing of materials into a finished product. Fabrication relates to the stamping, cutting or otherwise shaping of the processed materials into objects/products. Light manufacturing does not include the refining or other initial processing of basic raw materials such as metal ore, lumber or rubber.

Lot: A parcel of land undivided by any street or public road and occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses incidental to such building, use or development, including such open spaces and yards as are designed, and arranged or required by this Ordinance for such building, use or development. **Lot Area:** The area contained within the boundary lines of a lot.

Lot, Corner: A lot abutting two or more streets at their intersection.

Lot Depth: The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

Lot Frontage: Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by the Ordinance shall be provided, on at least one street.

Lot Line: A line bounding a lot which divides one lot from another, or from a street or any other public or private space, as defined below:

Front Lot Line: In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard

requirement in which case one of two opposing yards shall be a rear yard. In the case of a lot with no road frontage, the front lot line shall be considered to be the lot line in front of the building.

Rear Lot Line: That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front lot line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

Side Lot Line: Any lot line other than a front or rear lot line. **Lot of Record:** Any validly recorded lot that at the time of its recordation complied with all applicable laws, ordinances, and regulations.

Lumberyard/Sawmill: A permanent facility having regular business hours, sawlog specifications and price list; sells lumber wholesale and/or retail at the site.

Manufactured Housing: A structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. For the purposes of this Ordinance, three (3) types of manufactured housing will be referred to:

1. **NEWER MOBILE HOME:** Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards and complies with the Manufactured Housing Construction and Safety Standards Act of 1974, et. seq., which in the traveling mode are 14 body feet or more in width and are 750 or more square feet and are constructed on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation;
2. **OLDER MOBILE HOMES:** Those units constructed before June 15, 1976, and not in compliance with the Manufactured Housing Construction and Safety Standards Act of 1974, which are constructed on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, but does not include those smaller units commonly called "travel trailers"; and
3. **MODULAR HOMES:** Those units which the manufacturer certifies are constructed in compliance with the State's manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and area designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained herein.

Marina: A business establishment having frontage on navigable water within the Town and providing for hire off-shore mooring or docking facilities for boats and accessory services and facilities such as: boat sales, rental and storage, marine supplies and equipment, marina engine and hull repairs, construction and outfitting for pleasure craft, fuel and oil, electricity, fresh water, ice, shower and laundry facilities and on-premises restaurant.

Marine Railways: A parallel set of rails running from a marine related facility to the water for the purposes of launching, repairing, and retrieving boats and vessels onto land to which said set of rails is connected.

Medical Clinic: An office building used by members of the medical profession for the diagnosis and outpatient treatment of human ailments.

Medical Marijuana Dispensary: a state registered dispensary as described, authorized and regulated by the Maine Medical Use of marijuana Act, 22 M.R.S. § 2241 et seq. (2009).

Mineral Extraction: The removal of sand, gravel, bedrock or soil from its natural site of geologic deposition or formation; the screening, sorting, crushing or other processing of any part of the geologic material so removed; the storage of sand, gravel, crushed stone, or soil in stock piles or other forms.

Mobile Home Park: A parcel of land under unified ownership approved by the Town of Searsport for the placement of three (3) or more manufactured homes.

Motel: An establishment that provides lodging and parking and in which rooms are accessible from an outdoor parking area.

Motor Vehicle: Every vehicle that is self-propelled and designed for carrying persons or property or which is used for the transportation of persons and not operated exclusively on tracks.

Motor Vehicle, Unserviceable: Any motor vehicle which is wrecked, dismantled, cannot be operated legally on any public highway, or which is not being used for the purposes for which it was manufactured.

Municipal Facilities: Buildings or land that is owned by a Public entity and operated under its supervision for a public purpose.

Non-conforming Lot : A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming Structure: A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming Use: Use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal Maintenance and Repair: Any work necessary to maintain an improvement or structure in its original or previously improved state or condition. Normal maintenance and repair shall not include reconstruction, change in design, change in structure, change in use, change in location, change in size or capacity.

Nuisance: A person, structure or act that causes harm, annoyance or inconvenience; any violation of this Ordinance.

Nursing Home: A facility where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

Open Space: A use that does not disturb the existing state of the land except to restore this land to a natural condition.

Outdoor Recreation: Outdoor recreation activities that are operated by an entity other than a unit of government and which are available for use for a fee, including but not limited to standard golf courses, ice skating, tennis courts, cross-country ski trails, and alpine ski trails and the rental of non-motorized

sports equipment, but excluding games and activities common to amusement parks. Private outdoor recreation facilities serving exclusively a residential use shall be considered accessory to the residential use.

Owner: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Parcel: The entire area of a tract of land subject to division or development; may include more than one Lot.

Parking Facility: An area used for the parking of motor vehicles where that use is a primary use or where a separate fee is charged for the privilege of parking. The term "facility" shall also include a commercial parking lot but shall not include a commercial parking garage.

Parking Lot: An open area other than a street used for the parking of more than two automobiles and available for public use whether free, for compensation, or an accommodation for clients or customers.

Parking Space: An enclosed or unenclosed area, sufficient in size to store one automobile together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

Party: The applicant(s), his or her authorized agent, all abutting property owners, and such other individuals or organizations as the Planning Board, at its discretion, finds to have a reasonable and identifiable interest in the proposed project.

Performance Standard: A criterion established to control the use of land and structures. The purpose of performance standards is to provide detailed regulations and restrictions by means of minimum criteria which must be met by users in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare of citizens of Searsport.

Permitted Use: A use that may be lawfully established in a particular district, provided it conforms to all the requirements, standards and regulations of such district.

Person: Any person, firm, association, partnership, corporation, municipal or other local government entity, quasi-municipal entity, educational or charitable organization or institution or legal entity.

Principal Use: The specific primary purpose for which land is used.

Private Road: A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.

Professional Office: An office of a professional such as an architect, accountant, dentist, doctor of medicine, lawyer, etc., but not including any manufacturing, commercial or industrial activity.

Public Road: A public thoroughfare, way, or easement permanently established for passage of persons or vehicles.

Radio Station: An establishment engaged primarily in the use of electromagnetic waves for the wireless transmission of electric impulses into which sound is converted for the purposes of entertainment, education, news or weather.

Recreation Facility: A place designed and equipped for the conduct of sports and/or leisure time activities including regulation size miniature golf courses and driving ranges, water slides, outdoor amusement centers, spectator sports facilities, race tracks or other similar facilities.

Restaurant: An establishment whose principal business is the sale of food and/or beverages to consumers in a ready-to-consume state

Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption and not for trade.

Road: A thoroughfare or way consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles. Includes a Private or Public Road.

Sawmill: See Lumberyard/Sawmill

Setback: The minimum distance from any lot line to the nearest part of a structure.

Sign: A device, model, banner, pennant, insignia, flag, or other representation, which is used as, or is in the nature of an advertisement, announcement or direction.

Sporting Cabin(s): A series of cottages or structures that provide lodging for the public typically associated with a sporting or nature activity.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Subdivision – see “Subdivision Ordinance for the Town of Searsport, Maine.”

Tradesman’s Shop: The shop of a self-employed craftsman or person in a skilled trade.

Tower: A building or structure typically higher than its diameter and high relative to its surroundings that may stand apart or be attached to a larger structure and that may be fully walled in or of skeleton framework.

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Variance: A relaxation of the terms of this Ordinance where such a variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. Refer to the Board of Appeals Ordinance for criteria.

Warehouse and Storage Facility: A commercial structure for the storage of personal items merchandise or commodities, including bulk storage and bulk sales outlet.

Windmill: a mill powered by the wind usually acting on oblique vanes or sails that radiate from a horizontal shaft.

Windmills, Commercial: Wind Energy Systems that produce energy for sale, not personal use or credit.

Wholesale Business Establishment: Any business, housed in a permanent structure, engaged in the sale of goods in large amounts to retailers or jobbers, rather than directly to consumers.

Yard: The area of land on a lot not occupied by buildings.


Front Yard: The open, unoccupied space on the same lot with the principal building between the front lot line and nearest part of any building on the lot, and extending the entire width of the lot.

Rear Yard: The open, unoccupied space on the same lot with the principal building between a rear lot line and the nearest part of any building on the lot, and extending the entire width of the lot.

Side Yard: The open, unoccupied space on the same lot with the principal building between a side lot line and the nearest part of any building on the lot, extending from the front yard to the rear yard.













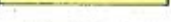
This Ordinance was amended by the voters of Searsport at a Town Meeting held on the 7th day of March, 2015

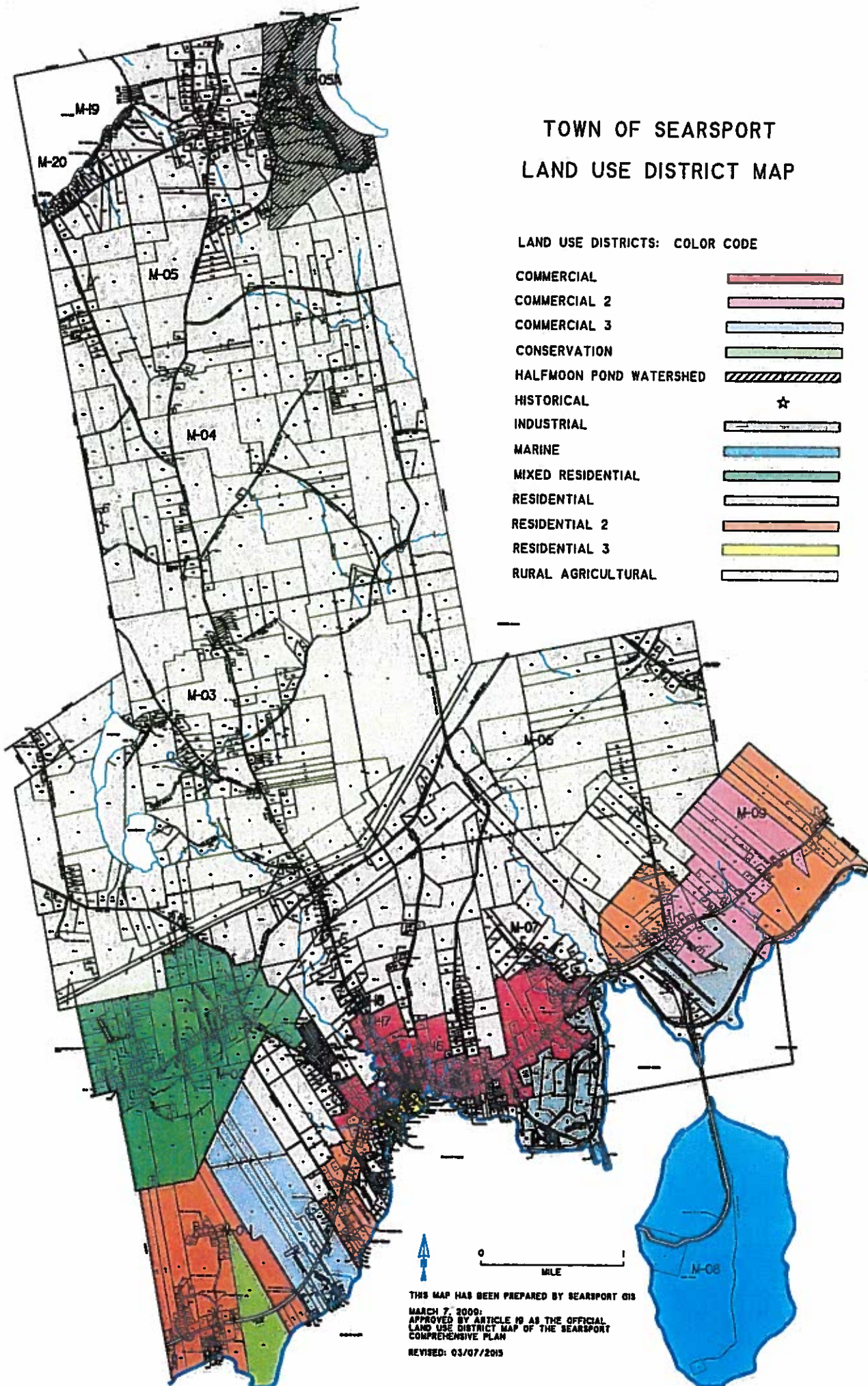
This Ordinance was amended by the voters of Searsport at a Town Meeting held on the 5th day of March, 2016

This is a true and attested copy by: 
Deborah Plourde, Town Clerk

TOWN OF SEARSPORT LAND USE DISTRICT MAP

LAND USE DISTRICTS: COLOR CODE

COMMERCIAL	
COMMERCIAL 2	
COMMERCIAL 3	
CONSERVATION	
HALFMOON POND WATERSHED	
HISTORICAL	
INDUSTRIAL	
MARINE	
MIXED RESIDENTIAL	
RESIDENTIAL	
RESIDENTIAL 2	
RESIDENTIAL 3	
RURAL AGRICULTURAL	

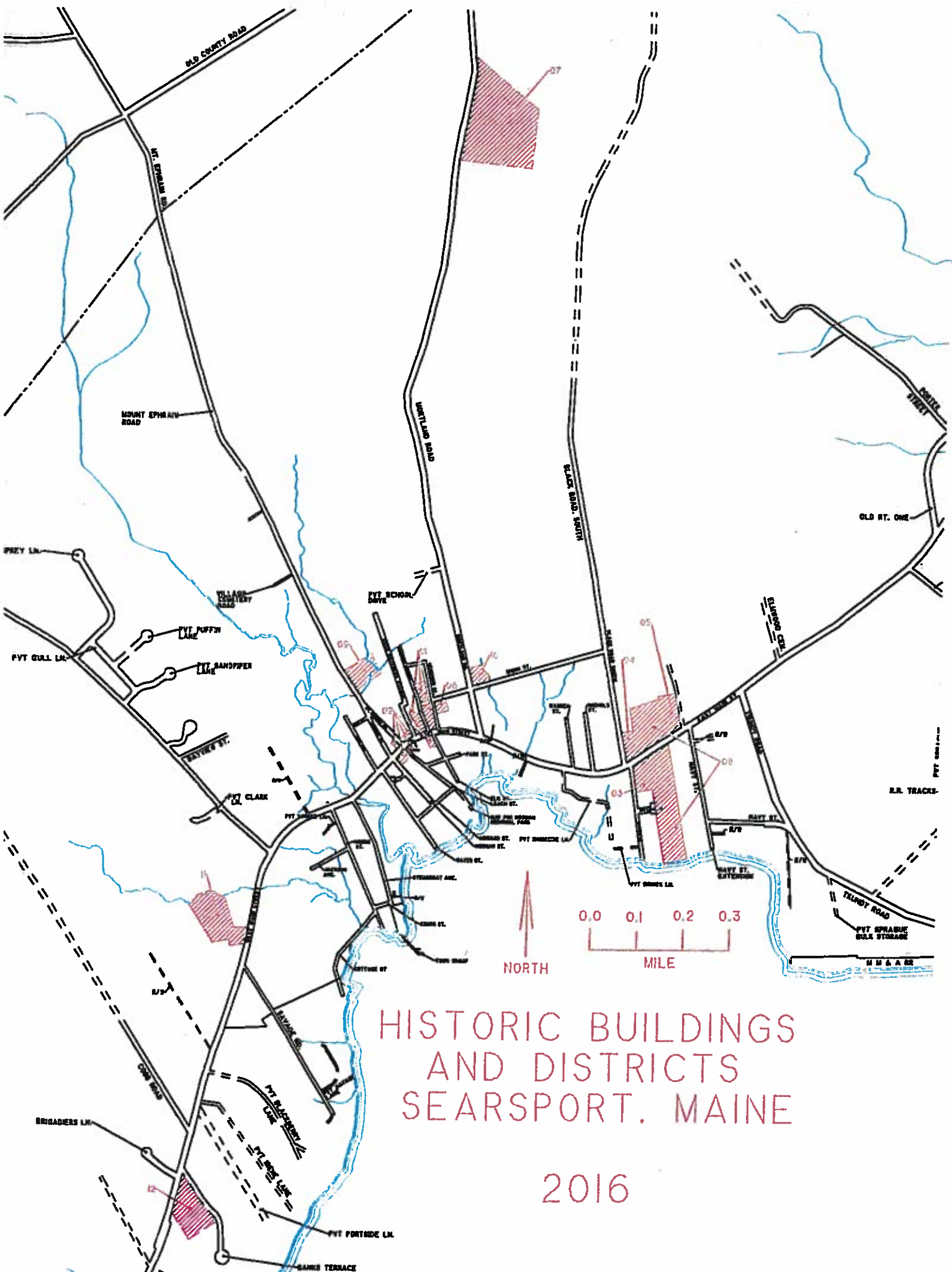


THIS MAP HAS BEEN PREPARED BY SEARSPORT GIS
MARCH 7, 2009:
APPROVED BY ARTICLE 19 AS THE OFFICIAL
LAND USE DISTRICT MAP OF THE SEARSPORT
COMPREHENSIVE PLAN
REVISED: 03/07/2013

Inventory data as of May, 2014 :

The following properties are currently listed in the National Register

- 01 Penobscot Marine Museum Historic District
- 02 Searsport Historic District
- 03 Captain John Nichols House, East Main Street
- 04 Captain John McGilvery House, East Main Street
- 05 Captain William McGilvery House, East Main Street
- 06 Union Hall, 3 Reservoir Street
- 07 Mortland Family Farm, Mortland Road
- 08 East Main Street Historic District
- 09 Union School, Mt. Ephraim Road
- 10 Carver Memorial Library, Corner of Union and Mortland Streets
- 11 James G. Pendleton House, 81 West Main Street
- 01 Penobscot Marine Museum (Boundary Increase)
- 12 College Club Inn, 190 West Main Street



HISTORIC BUILDINGS AND DISTRICTS SEARSPORT, MAINE

2016